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09/829,866	04/10/2001	Timothy Jay Smith	9D-EC-19759	7398

7590 10/23/2006	**EXAMINER**
John S. Beulick	JARRETT, SCOTT L
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ART UNIT	PAPER NUMBER
3623	

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DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">

Office Action Summary</td><td>Application No.

09/829,866</td><td colspan="2">Applicant(s)

SMITH ET AL.</td></tr>
<tr><td>Examiner

Scott L. Jarrett</td><td>Art Unit

3623</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This **Final** Office Action is in response to Applicant's submissions filed June 9,

2006 and August 22, 2006. Applicant's submissions amended claims 1-20. Currently

Claims 1-20.

Response to Amendment

2.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

It is noted that the applicant did not challenge the officially noticed fact(s) cited in

the previous office action(s) therefore those statements as presented are herein after

prior art.   Specifically it has been established that it was old and well known in the art at

the time of the invention:

- to provide a drill down capability in order to provide additional (daily, hourly,

weekly, monthly, yearly, etc.) data as part of a calendar wherein such a capability

enables users to efficiently and/or effectively navigate between the various "levels" of

information; and

- to express data, specifically utilization/usage data, as a *percentage* provides a convenient and/or intuitive mechanism for illustrating/communicating the capacity of a resource (e.g. a specific delivery route is 50% reserved vs. 30 out of a possible 60 orders have been reserved).

Claim Objections

4.   Claim1, 10, 19 objected to because of the following informalities. Appropriate

correction is required.

Regarding Claims 1, 10 and 19, Claims 1, 10 and 19 recite the limitations

"calendar further *adapted to* have drill down" and "goods are *configured to* utilize the

entire" (emphasis added) as claimed is merely *adapted to* have a drill-down capability or

configured to utilize the entire delivery capacity, however the system does not actually

have a drill-down capability or utilize the entire delivery capacity. For the purposes of

examination examiner assumes the applicant will amend the claim to recite that method

for displaying the capacity utilization of a goods delivery system actually "calendar

having drill down" and "goods utilize the entire second delivery capacity."

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not.identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

WebVan as evidenced by at least:

I. Borders et al., W0 00/68859 (2000), herein after reference A;

II. Borders et al., WO 00/68856 (2000), herein after reference B; and

III. Borders et al., U.S. Patent Publication No. 2001/0047285, herein after

reference C (cited in office action dated September 2, 2005).

in view of Jacobs et al., U.S. Patent Publication No. 2002/0010610.

Regarding Claims 1, 10 and 19 WebVan teaches a system and method of

displaying (presenting, providing, illustrating, drawing, etc.) the capacity utilization of a

goods (product, parcel, item, package, material, etc.) delivery system having a least one

delivery agent location, address and delivery zone (area, region, unit, route, etc.)

comprising (reference A: Pages 18-19, 37-39, 46-48; Figures 1, 3, 6, 7A-7B; reference

B: Pages 18, 23-24, 29, 33-41, 46; Figure 3; reference C: Paragraphs 0034-0036,

0043, 0045-0048, 0060, 0076, 0084 0088- 0096, 0109, 0116, 0120, 0125, Figure 1,

Elements 118, 128):

- getting (retrieving, receiving, entering, etc.) delivery agent (personnel,

resource, shipper, carrier, etc.) information of a delivery agent that delivers a plurality of

goods (reference A: delivery, transportation (XPS) subsystems; Page 5, lines 15-30;

Number 3, Page 10; "Capacity and ATP Calculating", Page 18, Lines 1-31; Pages 37,

Lines 1-30; Figure 1, Elements 110, 124, 150; reference C: Figure 1, Elements 106,

108, 112, 118);

- calculating (determining, generating, etc.) a first delivery capacity (availability,

time slot, delivery time/window/appointment, itinerary, schedule, etc.) for the delivery

agent (courier, truck, van, tote, container, shipper, etc.) information wherein the first

delivery capacity is represented as a plurality of slots and based on *at least the* size

(packing dimensions) of the good (windows; reference A: capacity database, available-

to-promise, capacity profile, capacity planning, load planning; Page 5, Lines 23-30;

Page 6, Lines 15-20; Page 18, Lines 1-31; Page 27, Lines 12-17; Page 37, 1-30; Page

46-47; Page 53, Lines 28-33; reference C: Paragraphs 0060, 0076, 0084, 0088-0096,

0109, 0116, 0120, 0125; Figures 6-8;);

- calculating a portion of the delivery capacity used (reserved, booked,

scheduled, unavailable, full, etc.) for the delivery agent information (reference A: Page

5, Lines 23-30; Page 18, Lines 1-31; Page 37, Lines 1-30; "Cust. Capacity Alloc.",

Figure 1, Element 130; Figure 7A, Elements, 18, 20, 34; reference C: Paragraphs 0056-

0056);

- displaying a periodic calendar format illustrating (displaying) the delivery agent

information and delivery agent information (statistics, numbers, parameters, metrics,

values, data, etc.) for a respective zone (area, route, unit, region, etc; reference A:

Page 7, Lines 9-14; Figure 12) for each day in the respective period (time slot, window,

appointment, schedule, itinerary, etc.; reference A: zone window creator, delivery

window estimator, delivery grid; Page 18, Lines 1-31; Page 19, Lines 1-18; Number 4,

Page 44; Page 46, Lines 1-9; Page 37, Lines 1-30; Figures 7A, 7B, Elements 4, 10-20;

"One function of the Transportation Subsystem is to generate a list of available delivery

windows (for presentation to the customer) based upon transportation capacity data

such as for example the number of couriers available, the number of delivery vehicles

available, the number of orders for a particular day, truck routes, etc.", Page 18, Lines

28-31; reference C: Paragraphs 0007, 0045, 0077-0079, Figures 5, 9 and 13);

 - determining whether the first delivery capacity of the delivery agent to deliver

the goods during the first period is exceeded (booked, over allocated, over utilized,

extended, full, etc.; reference A: delivery window estimator component, XPS, etc.; Page

18, Lines 1-31; Page 19, Lines 1-18; Page 37, Lines 1-30; Page 38, Lines 9-30; Page

39, Lines 1-13; Page 47, Lines 6-8 and 23-33; Figures 7A, 7B, Elements 10-20; "When

the customer selects the counter ice cream to be added to his or her shopping cart, the

Webstore Subsystem may first determine, for example, the selected item availability

(e.g. available quantify for the specified delivery date), the storage temperature of the

item, whether there are sufficient human resources to fulfill the item order by the

specified delivery time, and whether there are sufficient transportation resources

available to deliver the item by the specified time, including whether there is sufficient

space in the freezer section of the delivery vehicle to accommodate the ordered item on

the specified delivery date.", Page 39, Lines);

    - determining whether a second (another) deliver capacity of the delivery agent

to deliver the goods during a second period is exceeded (reference A: Page 18, Lines 1-

31; Page 19, Lines 1-18; Page 37, Lines 1-30; Page 38, Lines 9-30; Page 39, Lines 1-

13; Page 47, Lines 6-8 and 23-33; Figures 7A, 7B, Elements 10-20); and

    - determining to deliver the goods during the second period upon determining

that the second delivery capacity is not exceeded, wherein the goods are configured to

utilizing the second delivery capacity (time slot, appointment, window, etc.; reference A:

Page 18, Lines 1-31; Page 19, Lines 10-18; Page 37, Lines 1-30; Page 38, Lines 9-30;

Page 39, Lines 1-13; Page 47, Lines 12-16; Figures 7A, 7B, Elements 10-20; "the

WebStore subsystem reserves a sufficient amount of capacity in the selected

subsystems to ensure that the ordered item can be successfully fulfilled and delivered to

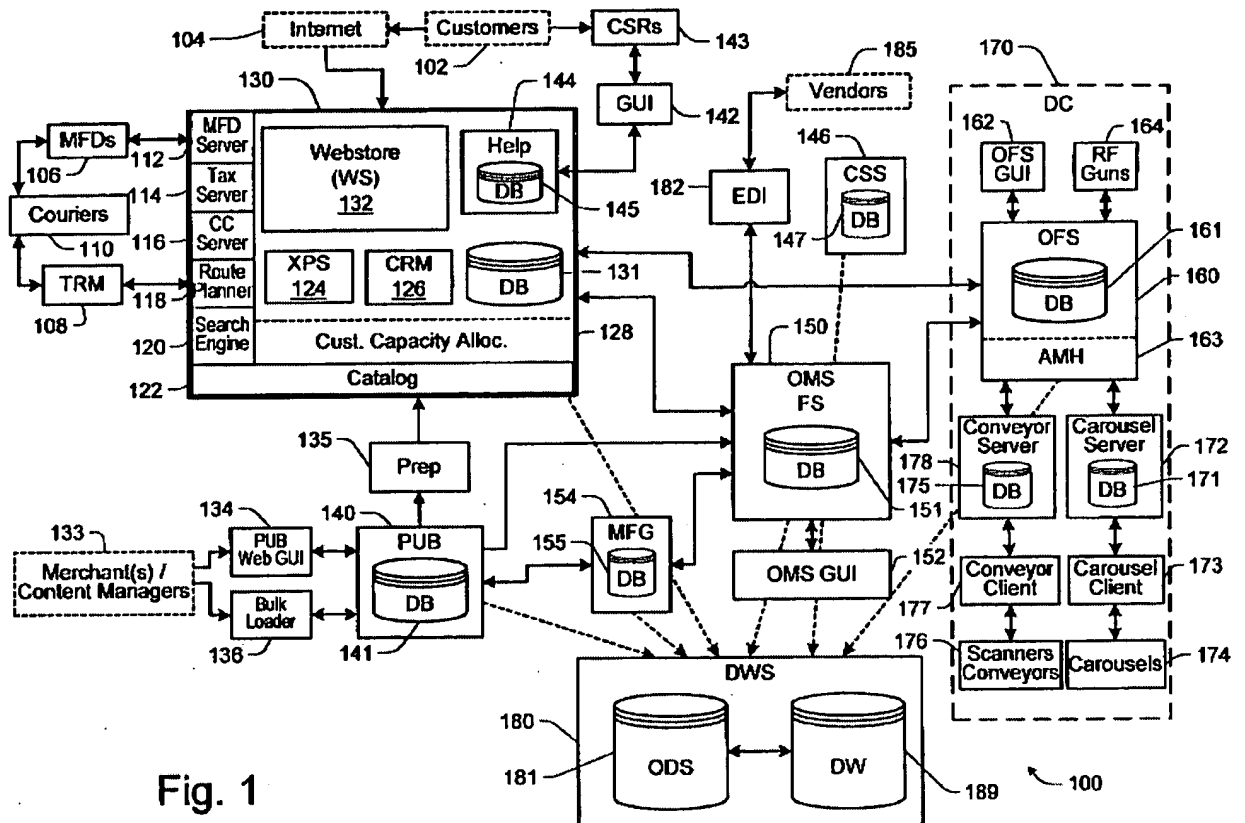the customer by the specified delivery date and time.", Page 39, Lines 11-13).
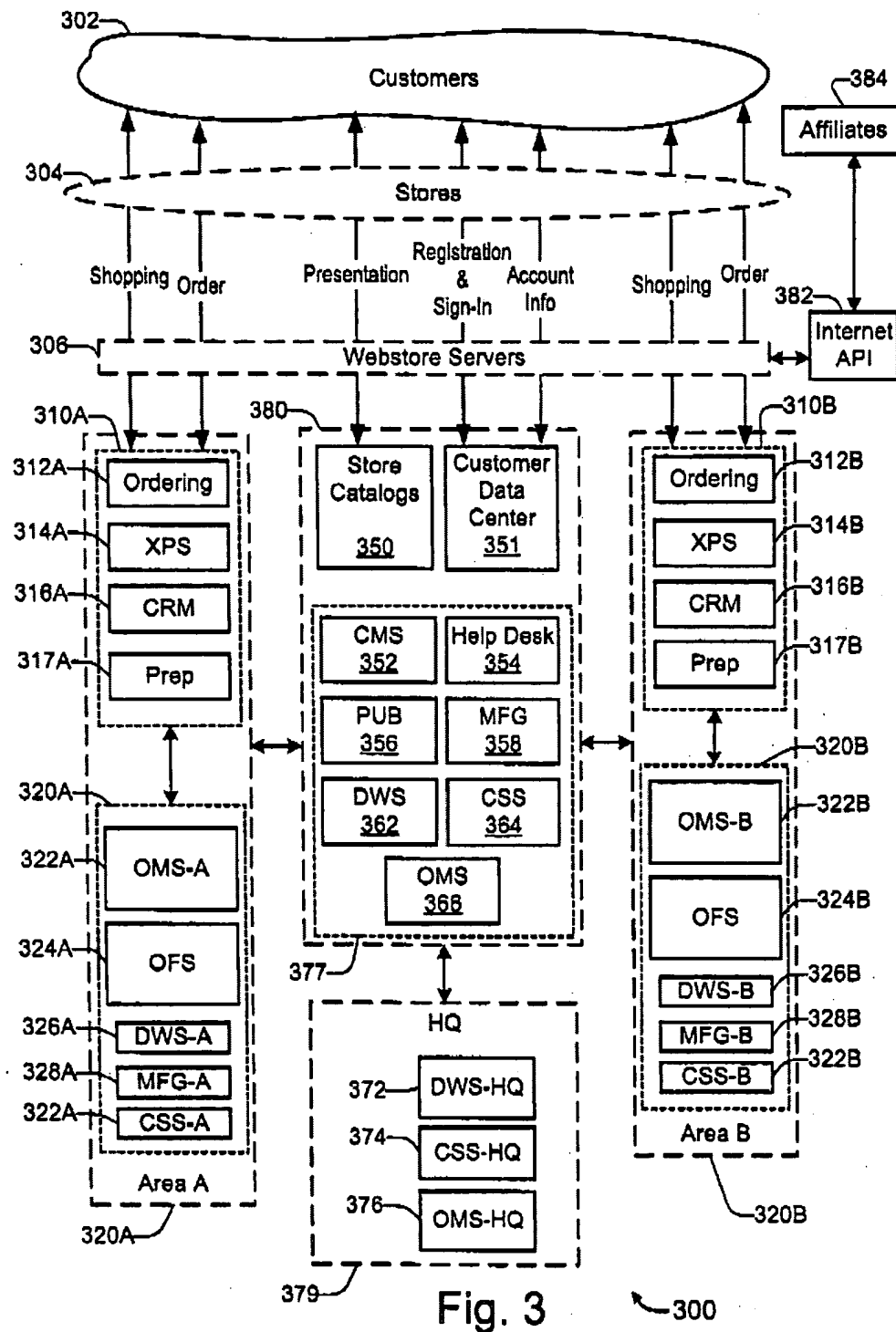
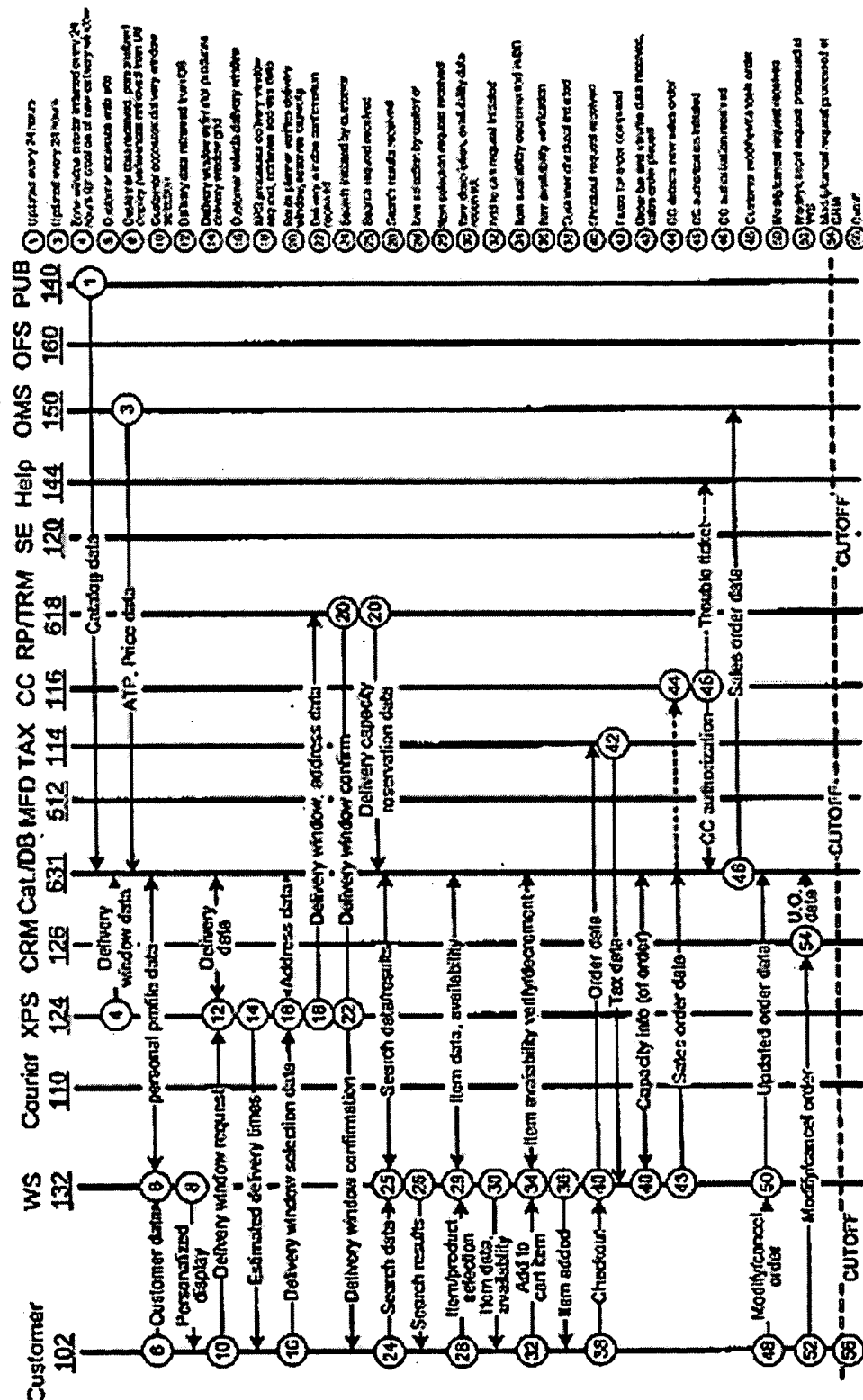**Fig. 1**

Figure 1: reference A, Figure 1

Fig. 3

Figure 2: reference A, Figure 3

Fig. 7A
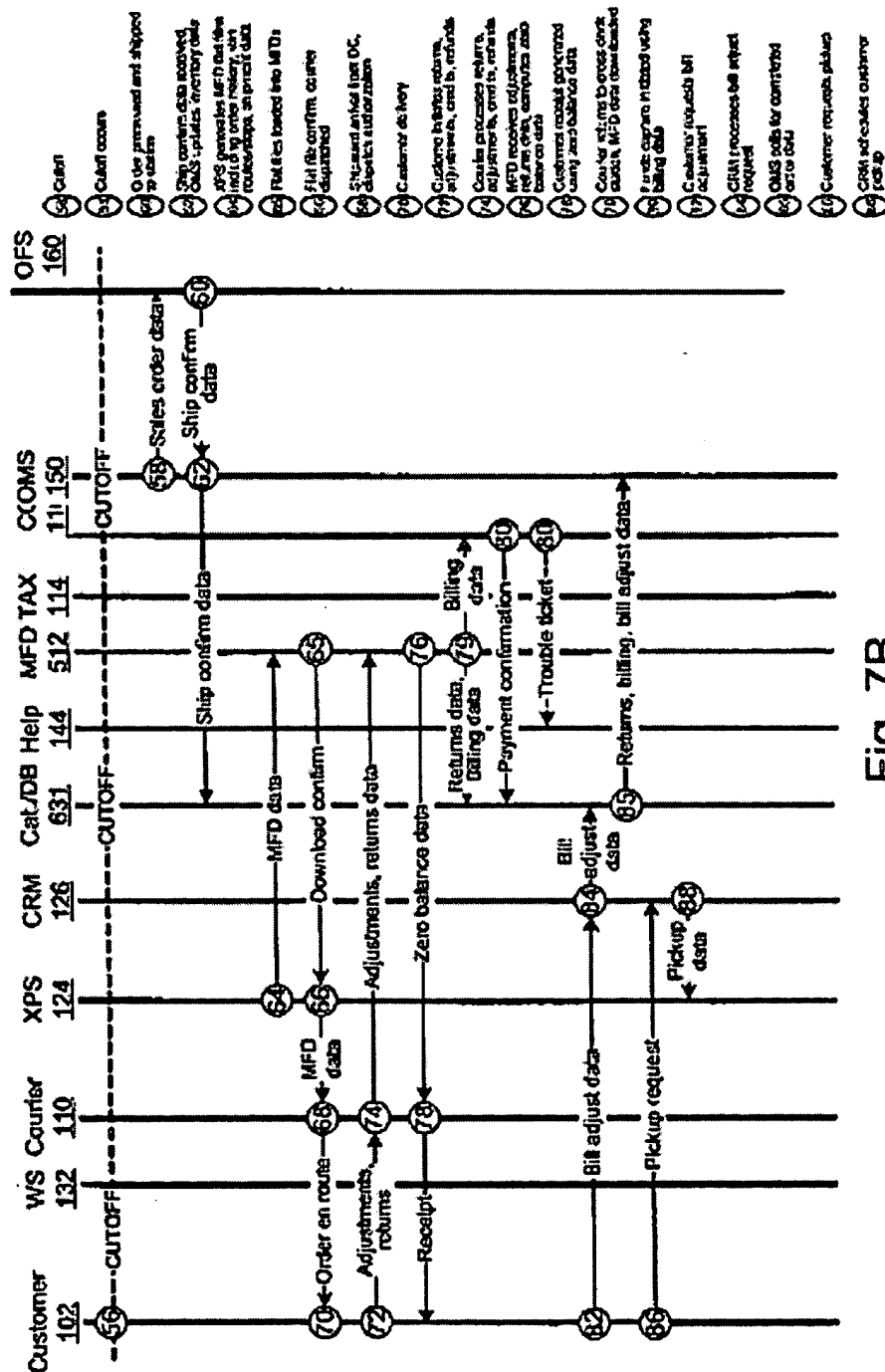
Figure 3: reference A, Figure 7A

Fig. 7B

Figure 4: reference A, Figure 7B

		8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00
02/10/2001	Sun	X			H		X	(X)	X	X	X	X	X	
02/11/2001	Mon						H	(X)	(X)	X	X	X	H	
02/12/2001	Tue							(X)	(X)	(X)	X	H		
02/13/2001	Wed							(X)	(X)	(X)				
02/14/2001	Thu						(X)	(X)	(X)	(X)				
02/15/2001	Fri						(X)	(X)	(X)	(X)				
02/16/2001	Sat						(X)	(X)	(X)	(X)				

FIG. 13

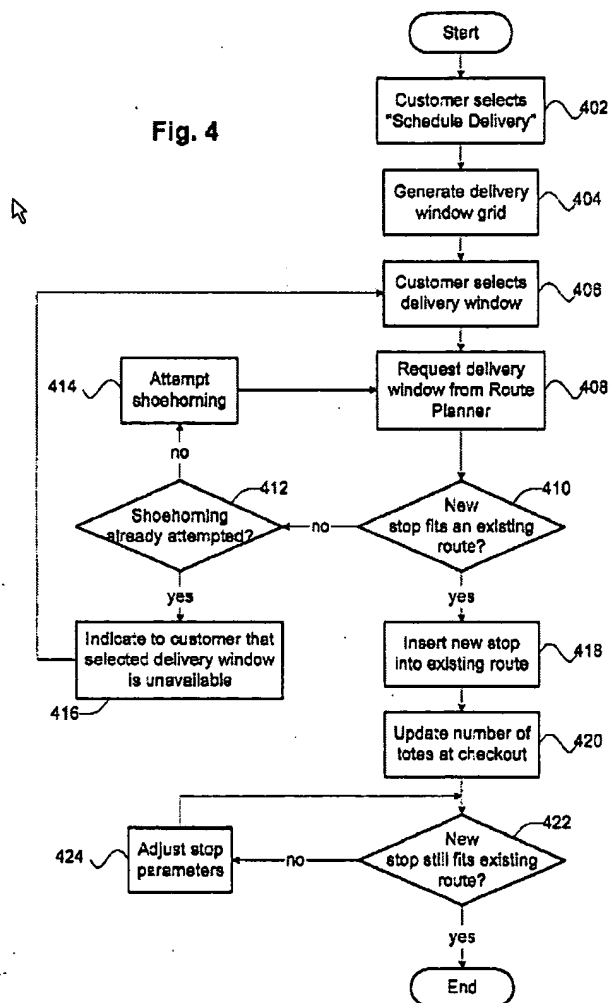Figure 5: reference C, Figure 13

Fig. 4

Figure 6: reference C, Figure 4

While WebVan teaches an Internet-based system and method that enables users

to purchase and schedule the delivery of a plurality of goods using well known

Internet/Web approaches/technologies (e.g. catalogs, search, web pages, etc.) WebVan

does not expressly teach that the periodic calendar format is further adapted to have

drill-down capability as claimed.

Official notice, as cited in the previous office action(s) that providing a drill down

capability in order to provide additional (daily, hourly, weekly, monthly, yearly, etc.) data

as part of a calendar is old and very well known wherein such a capability enables users

to efficiently and/or effectively navigate between the various "levels" of information.

It would have been obvious to one skilled in the art at the time of the invention

that the system and method for displaying and reserving delivery agent capacity as part

of a goods delivery system as taught by WebVan would have benefited from providing a

drill down capability as part of the periodic calendar display of delivery agent information

(availability) in view of the teachings of official notice; the resultant system/method

providing users with an effective/efficient mechanism to navigate the various levels of

delivery agent information.

While WebVan teaches that the goods delivery system reserves the

appropriate/necessary delivery agent capacity (vans, trucks, totes, container, goods,

etc.) to ensure the fulfillment and delivery of customer orders (goods delivery) WebVan

does not expressly teach that second (subsequent, additional, etc. items/goods) utilize

the entire second delivery capacity as claimed. However, these differences are only

found in the non-functional descriptive material and are not functionally involved in the

steps recited nor do they alter the recited structural elements. The recited method steps

would be performed the same regardless of the specific amount of capacity utilized by

second order/order items. Further, the structural elements remain the same regardless

of the specific amount of capacity utilized by second order/order items. Thus, this

descriptive material will not distinguish the claimed invention from the prior art in terms

of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir.

1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

WebVan does not expressly teach assigning a work unit to each of the

goods/services indicative of the number of slots used to delivery each good/service, the

work unit based on a degree of difficulty installing the good or subsequently calculating

a portion of the first delivery capacity used for the delivery agent based on the assigned

work units as claimed.

Jacobs et al. teach assigning a work unit (time, sub-orders, times slots, windows,

etc.) to each of the goods/services indicative of the number of slots used to delivery

each good/service (Paragraphs 0005-0006; Column 14, Lines 10-45; Column 16, Lines

19-42; Figure 1), the work unit based on *at least one* of a size of the good or a degree of

difficulty performing the service (i.e. type of service, skills required, equipment required,

work time, job duration, etc.; Paragraphs 0005-0006, 0057) and subsequently

calculating a portion of the delivery capacity used for the delivery agent based on the

assigned work units (resource availability; Paragraphs 0033, 0049; Appendix A; Figure

2) in an analogous art of order scheduling and displaying good/service delivery capacity

(Paragraphs 0010, 0019-0020, 0055-0056; Figure 1) for the purposes of determining

the time required to perform (deliver) the requested service (job duration), based on the

nature of the customers request, and determined the availability (capacity) of the

service delivery system to perform the requested services by providing the user with a

list of available appointment windows (slots; Paragraph 0006).

It would have been obvious to one skill in the art at the time of the invention that

the system and method for displaying the capacity utilization of a goods delivery system

as taught by WebVan would have benefited from assigning a work unit to each of the

goods/services indicative of the number of slots used to deliver and install the goods,

the work unit based on *at least one* of a size of the good or a degree of difficulty

installing the good and subsequently calculating a portion of the delivery capacity used

for the delivery agent based on the assigned work units in view of the teachings of

Jacobs et al.; the resultant system/method providing the user with a list of available

appointment windows (slots) for performing the requested service wherein the capacity

of the delivery system is based on the determined time required to perform (deliver) the

requested service (job duration), based on the nature of the customers request (Jacobs

et al.: Paragraph 0006).

While Jacbobs et al. teaches the well known scheduling of appointments based on a plurality of service specific factors such as job/work time/duration, skills, equipment, order complexity and the like neither WebVan nor Jacobs et al. expressly assigning a work unit to a good based on the *degree of difficulty in installing* the good as claimed.

Official notice is taken that it is old and well known that goods, for example major appliances, require delivery and installation wherein not all major appliances are the same size nor require the same installation procedures (time, complexity, skills, equipment, etc.).

Major appliances are one example of goods that vary widely in size, weight, installation complexity (steps, tools, skills, location, etc) wherein even the same appliance may have different installation requirements; for example one customer wants the appliance installed on the second floor or in the basement requiring the traversal of one or more flights of stairs while another customer may need their old appliance hauled away or installing a microwave could be as simple as placing it on a countertop or as complex as requiring outside venting as part of a range top; each major appliance delivery and installation typically requires different skills, work/job time, equipment or the like.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for goods delivery management as taught by the combination of WebVan and Jacobs et al. with its ability to schedule delivery capacity based on the type of goods being delivered (e.g. base on job type, duration, skill, equipment, etc.) would have been utilized to account for the well known differences in delivering and installing the ordered goods, including but not limited to installation difficulty/complexity, in view of the teachings of official notice; the resultant system/method enabling businesses (service organization) to more schedule the delivery capacity more effectively and/or accurately (Jacobs et al.: Paragraphs 0004-0005).

Regarding Claims 2, 11 and 20 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system wherein the delivery agent information (data, numbers, statistics, values, etc.) is at least one of the following (selected from the group consisting of): delivery capacity, reserved capacity or deliveries (reference A: number of trucks/vans, couriers, totes, routes, orders, etc.; Page 37, 1-30; Page 37, Lines 5-8; Page 38, Lines 8-17; Page 42, Lines 11-14; "the Webstore subsystem reserves a sufficient amount of capacity in the selected subsystems to ensure that the ordered item can be successfully fulfilled and delivered to the customer by the specified delivery date and time.", Page 39, Lines 11-13; "a schedule listing delivery times specific to that subzone can be shown...If additional trucks or vans are available at a particular time, that will be reflected in the displayed

scheduled.", Page 18, Lines 18-24; "Webstore may then display the reserved and

available delivery windows to the customer.", Page 19, Lines 5-6; reference C:

Paragraphs 0078-0080, 0084, 0088, 0091).

Regarding Claims 3 and 12 WebVan teaches a method and system of displaying

the capacity utilization of a goods delivery system further comprising calculating the

deliveries scheduled for the delivery agent information (reference A: route

planner/planning, delivery vehicle routing, delivery, transportation, mobile filed device

and dispatch subsystems, Descartes; Number 3, Page 10; Page 18, Lines 1-31; Figure

1, Elements 108, 118; reference B: route planning, Pages 37-38; load planning, Page

46; reference C: Paragraphs 0028, 0034, 0045-0048, 0060; Figures 1, 3, 4-5).

Regarding Claims 4 and 13 WebVan teaches a method and system of displaying

the capacity utilization of a goods delivery system further comprising calculating the

capacity utilization per day for the delivery agent information (reference A: capacity

profile, capacity and ATP calculations, Page 18, Lines 28-31; Page 37, Lines 1-31;

Page 38, Lines 1-13; Page 39, Lines 1-13; reference B: "the distribution center 120 is

associated with a distribution capacity (measured as an amount of distribution

resources available) for processing orders in a given time frame.", Page 23, Lines 1-3).

WebVan does not expressly teach expressly the delivery agent capacity per day

as a **percentage** as claimed.

Official notice is taken that expressing data, specifically utilization/usage data, as a *percentage* is old and very well known and provides a convenient and/or intuitive mechanism for illustrating/communicating the capacity of a resource (e.g. a specific delivery route is 50% reserved vs. 30 out of a possible 60 orders have been reserved). Accordingly it would have been obvious to one skilled in the art at the time of the invention that the system and method for displaying capacity utilization of a goods delivery system as taught by WebVan would have benefited from using any of a plurality of numerical, mathematical and/or statistical formats to display (present, illustrate, present, convey) the plurality of delivery agent utilization/usage data, including displaying the capacity utilization of a delivery agent as a percentage in view of the teachings of official notice.

Further it is noted that the type of mathematical or other known statistical format that is used to convey/illustrate the capacity utilization of a resource (delivery agent) merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific format used to convey/illustrate the capacity utilization of a resource. Further, the structural elements remain the same regardless of the specific format used to convey/illustrate the capacity utilization of a resource. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d

1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 5 and 14 WebVan teaches a method and system of displaying

the capacity utilization of a goods delivery system further comprising marking out (not

indicating, not displaying, not highlighting, not showing, etc.) out of capacity

(unavailable, booked, scheduled, capacity exceeded, out-of-stock, reserved, "x-ing out",

etc.) conditions (reference A: Page 19, Lines 1-17; Page 37, Lines 11-31; Figure 7A,

Elements 10-20; reference C: Figure 13).

Regarding Claims 6 and 15 WebVan teaches a method and system of displaying

the capacity utilization of a goods delivery system wherein the delivery agent

information is at least one of the following (selected from the group consisting of):

delivery agent location, delivery agent name, delivery agent code, delivery management

system schedule name or delivery agent zone group name (tote license ID, mobile filed

device, route/zone name/number, etc.; reference A: Page 20, Lines 9-30; Page 34,

Lines 10-13; Page 46, 18-23; Figure 12; reference C: Paragraphs 0034-0036, 0043,

0045-0048, 0050, 0056-0065).

Regarding Claims 7-8 and 16-17 WebVan teaches a method and system of

displaying the capacity utilization of a goods delivery system further comprising

displaying any desired timeframe of delivery agent information (data, numbers, values,

statistics, etc.) on a periodic calendar basis (delivery window grid, daily, monthly, etc.;

reference B: "a grid is shown of available delivery times. The grid can start with the

earliest possible delivery relative to the current cutoff time and show the next few days.",

Page 33, Lines 23-25; "In this example, only a few days worth of delivery times are

shown. This can be adjusted based on the particular system and customer

preferences.", Page 34, Lines 10-12).

Further it is noted that the specific time frame used to display the delivery agent

information merely represents non-functional descriptive material and are not

functionally involved in the steps recited nor do they alter the recited structural

elements. The recited method steps would be performed the same regardless of the

specific time frame used to display the delivery agent information. Further, the

structural elements remain the same regardless of the specific time frame used to

display the delivery agent information. Thus, this descriptive material will not distinguish

the claimed invention from the prior art in terms of patentability, see In re Gulack, 703

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 9 and 18 WebVan teaches a method and system of displaying

the capacity utilization of a goods delivery system wherein the delivery agent statistic

(data, information, metrics, values, parameters, etc.) is at least one of the following

(selected from the group consisting of): default capacity, override capacity, capacity

usage or percent capacity usage (reference A: available/reserved space, vehicle usage, number of orders/day, number of vehicles/day, number of couriers, available, etc.; Page 18, Lines 9 and 29-31; Page 37, Lines 4-30; Page 38, Lines 9-10; Page 39, Lines 1-13; reference C: Paragraphs 0056-0065, 0076 0084, 0086).

Further it is noted that "default" and "override" are arbitrary labels applied to delivery agent utilization/usage data and as such represent non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels used. Further, the structural elements remain the same regardless of the specific labels used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cummings et al., U.S. Patent No. 6,345,260, teach a system and method for scheduling appointments comprising displaying the capacity of a goods/services delivery system in a periodic calendar appointment comprising a plurality of slots wherein the duration of the appointments is determined based a plurality of business rules (e.g. the type of services rendered).

- Kantarjiev et al., U.S. Patent No. 6,975,937, teach a goods delivery system and method comprising displaying a list of available delivery windows (slots) based on delivery agent and vehicle capacity, determining the appropriate capacity (number of totes) for a goods delivery (order) as well as taking into account service durations when scheduling goods delivery slots.

- Jacobs et al., U.S. Patent Publication No. 2001/0037229, teach a system and method for scheduling delivery agents (e.g. technicians) in delivery goods/services, including installation services, wherein the system/method assigns work units (work time, skills, equipment required, job duration, travel time, etc.) to appointments (orders, reservations, time slots) based on the service to be performed for the purposes of enabling the business (service organization) better understand its capacity to service its customers.

- Jacobs, Simon, U.S. Patent Publication No. 2002/0010615, teach a goods/services delivery system and method comprising: getting delivery agent information from a plurality of delivery agents that deliver services, calculating a delivery capacity based on the information, assigning a work unit (e.g. time, job duration) based on the complexity (difficulty, skill, equipment, time required, sub-orders, etc.) and indicative of the number of windows (sub-orders, slots) necessary to deliver the service.

- Jacobs et al., U.S. Patent Publication No. 2002/0016645, teach a goods/service delivery system and method for scheduling the delivery of a plurality of services comprising: providing a list of available slots (windows, reservations, capacity) for delivery of the services wherein the service delivery (order, reservation,

appointment) takes into account a plurality of factors including but not limited to job
duration, work time, travel time, delivery agent capacity (availability, skills, location, etc.)
and the like.

- Ciccolella, Cathy, GE to offer online dealer support with CustomerNet (1997),
teaches the public use of a goods delivery system and method for scheduling the
delivery of goods wherein users are provided delivery schedules and availability
information.

- Brumback, Nancy, Sears Plans Big Push in Home Goods (1999), teaches a
goods delivery system and method wherein users can purchase and schedule delivery
and installation of appliances by service personnel over the Internet.

- Hanover, Dan, Up next for Sears (1999), teaches an online goods delivery
system and method for purchasing appliances and scheduling their delivery and
installation.

- Wolf, Alan, Wal-Mart Enters Majap Market with GE Appliance Pilot Program
(1999), teaches a goods delivery system and method wherein users order appliances
via kiosks that providing inventory information and enable users to schedule delivery
and installation of the ordered goods.

- Wolf, Alan, GE's Johnston (2000), teaches a goods delivery system and
method (GEAppliances.com, BuildNet, CustomerNet, ServiceNet) which enables users
to order goods for delivery and installation (e.g. appliances) as well as repairs wherein
users are provided delivery appointment windows/slots.

- Lowe's Selling White Goods Over Relaunched Website (2000), teaches an online goods delivery system and method wherein users can order appliances as well as schedule the delivery and installation of the new appliances and haul away of the old appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SJ
10/19/2006

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